

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

VANDERBILT UNIVERSITY,)	
)	
Plaintiff/Counterclaim Defendant,)	Case No. 3:18-cv-00348
)	
v.)	Judge Campbell/Brown
)	
KAINEXUS LLC, KAINEXUS, INC.,)	Jury Demand
)	
Defendants/Counterclaim Plaintiffs.)	

**JOINT MOTION TO EXTEND THE DEADLINE TO FINALIZE SETTLEMENT
AND SUBMIT AGREED ORDER OF DISMISSAL**

Plaintiff / Counterclaim Defendant Vanderbilt University and Defendants / Counterclaim Plaintiffs KaiNexus LLC and KaiNexus, Inc. jointly move that the Court again extend the deadline for the parties to finalize the settlement reached through a judicial settlement conference. Specifically, the parties request an additional **30 days** to finalize the written settlement agreement and related documents and submit a proposed agreed order of compromise and dismissal. With this extension, the new deadline to reopen the action if the settlement is not consummated would be **January 19, 2019**.

By way of background, on September 20, 2018, the parties participated in a judicial settlement conference before visiting Magistrate Judge J. Gregory Wehrman. With Judge Wehrman's assistance, the parties reached an agreement to resolve the case, to be memorialized through a written settlement agreement and related documents.

On September 21, 2018, the Court entered an Order of dismissal, stating as follows:

The Court having been advised that this action has been settled, the action is dismissed without prejudice to the right, upon good cause shown within forty-five (45) days, to reopen the action if the settlement is not consummated. Within this forty-five day period, the parties may submit a proposed agreed order of compromise and dismissal.

(Doc. No. 18, Order.)

KaiNexus's counsel circulated drafts of settlement documents to Vanderbilt on October 16, 2018. On October 31, 2018, the parties jointly requested additional time, in part, because "the settlement documents are more complicated and voluminous than a straightforward settlement agreement." (Doc. No. 19, Mtn.) On November 1, 2018, the Court granted the parties' motion, extending the deadline to finalize the settlement documents to December 20, 2018. (Doc. No. 20, Order.)

Since then, Vanderbilt's counsel and client representatives have spent considerable time reviewing and revising KaiNexus's draft documents, circulating extensively revised drafts to KaiNexus on December 5, 2018. On December 18, 2018, KaiNexus responded with extensive edits to Vanderbilt's drafts. The parties expect to reach mutually-agreeable terms; however, given the current posture, the parties need more time to do so.

For these reasons, the parties respectfully request that the Court grant an additional **30 days** for the parties to finalize the written settlement agreement and related documents and submit a proposed agreed order of compromise and dismissal.¹ With this extension, the new deadline to reopen the action if the settlement is not consummated would be **January 19, 2019**.

¹ The parties would request less additional time, but the intervening holidays will impact availability during the next two weeks.

Respectfully submitted:

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Attorneys for Defendants KaiNexus LLC and KaiNexus, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2018, a copy of the foregoing Joint Motion has been furnished via the Court's electronic filing system to:

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/s/ Kevin C. Klein